

Case 1:12-cr-00385-ARR Document 396 Filed 09/27/21 Page 1 of 14 PageID #: 7558

On July 22, 2021, I declined to issue a certificate of appealability in this case. I find, however, that petitioner is financially unable to pay the costs of an appeal.

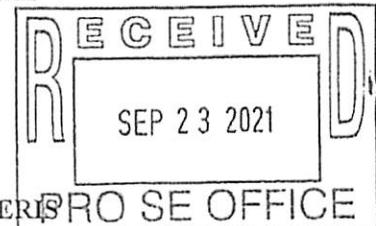
So ordered. /s/(ARR)

U.S. CLERK'S OFFICE  
DISTRICT COURT E.D.N.Y.  
SEP 23 2021  
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF New York

Mayer, )  
Petitioner, )  
Plaintiff )  
v. )  
USA, )  
Respondent, )  
Defendant )

0207-121 CV 4108  
Case No. 21-2119



AFFIDAVIT ACCOMPANYING MOTION  
FOR PERMISSION TO APPEAL IN FORMA PAUPERIS

Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Instructions

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Signed: Antoine Hayes

Date: 78351-053 9/21/21

My issues on appeal are: Whether the district erred when it denied Hayes section 2255 motion under Davis

- For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

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Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ NA	\$ -	\$ -	\$ -
Self-employment	\$ NA	\$ -	\$ -	\$ -
Income from real property (such as rental income)	\$ NA	\$ -	\$ -	\$ -
Interest and dividends	\$ NA	\$ -	\$ -	\$ -
Gifts	\$ NA	\$ -	\$ -	\$ -
Alimony	\$ NA	\$ -	\$ -	\$ -
Child support	\$ NA	\$ -	\$ -	\$ -
Retirement (such as social security, pensions, annuities, insurance)	\$ NA	\$ -	\$ -	\$ -
Disability (such as social security, insurance payments)	\$ NA	\$ -	\$ -	\$ -
Unemployment payments	\$ NA	\$ -	\$ -	\$ -
Public-assistance (such as welfare)	\$ NA	\$ -	\$ -	\$ -
Other (specify):	\$ NA	\$ -	\$ -	\$ -
Total monthly income:	\$ NA	\$ -	\$ -	\$ -

2. List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
	-	-	\$ -
NA	-	-	\$ -
	-	-	\$ -

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3. List your spouse's employment history for the past two years, most recent employer first.  
*(Gross monthly pay is before taxes or other deductions.)*

Employer	Address	Dates of employment	Gross monthly pay
	-	-	\$ -
NA	-	-	\$ -
	-	-	\$ -

4. How much cash do you and your spouse have? \$ NA

*Below, state any money you or your spouse have in bank accounts or in any other financial institution.*

Financial Institution	Type of Account	Amount you have	Amount your spouse has
	-	\$ -	\$ -
NA	-	\$ -	\$ -
	-	\$ -	\$ -

*If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.*

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home	Other real estate	Motor vehicle #1
(Value) \$	(Value) \$	(Value) \$
NA	-	Make and year: -
		Model: -
		Registration #: -

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Motor vehicle #2	Other assets	Other assets
(Value) \$ N A	(Value) \$ -	(Value) \$ -
Make and year:	-	-
Model:	-	-
Registration #:	-	-

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
N A	\$ -	\$ -
	\$	\$
	\$	\$
	\$	\$

7. State the persons who rely on you or your spouse for support.

Name [or, if under 18, initials only]	Relationship	Age
N A	-	-

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8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your Spouse
Rent or home-mortgage payment (including lot rented for mobile home)	\$	\$
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No	NA	NA
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$	\$
Home maintenance (repairs and upkeep)	\$	\$
Food	\$	\$
Clothing	\$	\$
Laundry and dry-cleaning	\$	\$
Medical and dental expenses	\$	\$
Transportation (not including motor vehicle payments)	\$	\$
Recreation, entertainment; newspapers, magazines, etc.	\$	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	\$	\$
Life:	\$	\$
Health:	\$	\$
Motor vehicle:	\$	\$
Other:	\$	\$
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$	\$
Installment payments		
Motor Vehicle:	\$	\$
Credit card (name):	\$	\$
Department store (name):	\$	\$
Other:	\$	\$

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Alimony, maintenance, and support paid to others	\$	\$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <i>N/A</i>	\$ —
Other (specify):	\$	\$ —
Total monthly expenses:	\$	\$ —

9. *Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?*

Yes  No      If yes, describe on an attached sheet.

10. *Have you spent - or will you be spending - any money for expenses or attorney fees in connection with this lawsuit?*  Yes  No

If yes, how much? \$

11. *Provide any other information that will help explain why you cannot pay the docket fees for your appeal.*

I have been continuously incarcerated for 16 years.

#78351-053

12. *State the city and state of your legal residence:* USP Allenwood Box 3000  
White Deer Pa 12887

*Your daytime phone number:*

*Your age:* 38      *Your years of schooling:* 11<sup>th</sup> grade

Inmate Statement - Case 1:12-cr-00385-ARR Document 396 Filed 09/27/21 Page 7 of 14 PageID #: 7564f2

**Inmate Statement**

Inmate Reg #:	78351053	Current Institution:	Allenwood FCI
Inmate Name:	MAYES, ANTOINE	Housing Unit:	A1,P-C-A
Report Date:	09/16/2021	Living Quarters:	C02-2281
Report Time:	8:11:15 AM		
Alpha Code	Date/Time	Reference#	Payment#
ALX	9/14/2021 2:41:37	TL0914	
	PM		
ALX	9/14/2021 1:51:47	40	
	PM		
ALX	9/14/2021 1:50:10	39	
	PM		
ALX	9/12/2021 5:33:01	TL0912	
	PM		
ALX	9/11/2021 1:59:34	TL0911	
	PM		
ALX	9/9/2021 1:47:50	WCMS0821	
	PM		
ALX	9/9/2021 1:47:45	WIPP0821	
	PM		
ALX	9/8/2021 6:06:11	TL0908	
	PM		
ALX	9/5/2021 7:21:03	TL0905	
	AM		
ALX	9/2/2021 7:00:05	TL0902	
	AM		
ALX	8/31/2021 45		
	12:30:03 PM		
ALX	8/31/2021 7:08:03	TL0831	
	AM		
ALX	8/28/2021 5:04:58	TL0828	
	PM		
ALX	8/28/2021 9:48:42	TL0828	
	AM		
ALX	8/26/2021 6:51:04	TL0826	
	AM		
ALX	8/25/2021 8:28:18	TL082021	
	PM		
ALX	8/23/2021 3:26:33	TL0823	
	PM		
ALX	8/21/2021 7:19:30	TL0821	
	AM		
ALX	8/19/2021 7:02:02	TL0819	
	PM		
ALX	8/18/2021 6:46:34	TL0818	
	PM		
ALX	8/17/2021 9:28:24	26	
	AM		
ALX	8/16/2021 7:44:40	TL082021	
	PM		
ALX	8/15/2021 8:06:59	TL0815	
	PM		
ALX	8/14/2021 6:47:42	TL0814	
	AM		
ALX	8/12/2021 11:42:03	TL0812	
	AM		
ALX	8/10/2021 9:03:14	15	
	AM		
ALX	8/10/2021 8:35:16	TL082021	
	AM		
ALX	8/8/2021 8:25:44	TL0808	
	PM		
ALX	8/7/2021 3:55:23	TL0807	
	PM		
ALX	8/6/2021 9:05:17	WIPP0721	
	AM		
ALX	8/6/2021 6:53:31	TL0806	
	AM		
ALX		TL0804	

Inmate Statement Combined  
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8/4/2021 5:52:27  
PM

ALX 8/3/2021 9:49:10 35 Sales (\$5.00) \$147.76  
AM

ALX 8/3/2021 9:48:18 34 Sales (\$35.60) \$152.76  
AM

ALX 8/3/2021 7:42:22 TL082021 Pre-Release Transaction \$50.00 —  
AM

ALX 8/3/2021 7:01:58 TL0803 TRUL Withdrawal (\$2.00) \$188.36  
AM

ALX 8/2/2021 7:01:39 TL0802 TRUL Withdrawal (\$2.00) \$190.36  
AM

ALX 7/30/2021 8:24:34 TL0730 TRUL Withdrawal (\$2.00) \$192.36  
PM

ALX 7/29/2021 6:52:17 TL0729 TRUL Withdrawal (\$2.00) \$194.36  
AM

ALX 7/27/2021 7:35:44 TL0727 TRUL Withdrawal (\$2.00) \$196.36  
AM

ALX 7/24/2021 7:10:52 TL0724 TRUL Withdrawal (\$2.00) \$198.36  
AM

ALX 7/22/2021 8:22:20 5 Sales (\$70.75) \$200.36  
AM

ALX 7/22/2021 7:05:52 TL0722 TRUL Withdrawal (\$2.00) \$271.11  
AM

ALX 7/20/2021 5:24:44 TL0720 TRUL Withdrawal (\$2.00) \$273.11  
PM

ALX 7/20/2021 9:22:50 TL072021 Pre-Release Transaction \$30.00 —  
AM

ALX 7/18/2021 1:23:24 TL0718 TRUL Withdrawal (\$2.00) \$275.11  
PM

ALX 7/16/2021 6:53:39 TL0716 TRUL Withdrawal (\$2.00) \$277.11  
AM

ALX 7/14/2021 TL0714 TRUL Withdrawal (\$2.00) \$279.11  
10:16:29 AM

ALX 7/14/2021 TL072021 Pre-Release Transaction \$30.00 —  
10:16:13 AM

ALX 7/13/2021 8:59:07 14 Sales (\$146.55) \$281.11  
AM

123456

Total Transactions: 256

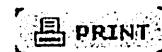
Totals: (\$149.80) \$37.99

Current Balances									
Alpha Code	Available Balance	Pre-Release Balance	Debt Encumbrance	SPQ Encumbrance	Other Encumbrance	Outstanding Instruments	Administrative Holds	Account Balance	
ALX	\$10.15	\$0.01	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10.16	
Totals:	\$10.15	\$0.01	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10.16	

Other Balances									
National 6 Months Deposits	National 6 Months Withdrawals	National 6 Months Avg Daily Balance	Local Max Balance - Prev 30 Days	Average Balance - Prev 30 Days	Commissary Restriction Start Date	Commissary Restriction End Date			
\$0.00		\$0.00	\$0.00	\$0.00					

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## Inmate Statement



Inmate Reg #:	78351053	Current Institution:	Allenwood FCI
Inmate Name:	MAYERS, ANTOINE	Housing Unit:	AEP-C-A
Report Date:	09/16/2021	Living Quarters:	C02-1281
Report Time:	8:10:26 AM		
Alpha Code	Date/Time	Reference#	Payment#
ALX	7/13/2021 6:54:33	TL072021	
	AM		
ALX	7/13/2021 6:54:00	TL072021	
	AM		
ALX	7/13/2021 6:52:38	TL0713	
	AM		
ALX	7/13/2021 6:48:13	TL072021	
	AM		
ALX	7/11/2021 10:07:37	PM	33321192
	PM		
ALX	7/11/2021 10:07:37	PM	33321192
	PM		
ALX	7/11/2021 9:33:32	TL0711	
	AM		
ALX	7/8/2021 11:10:11	WIPP0621	
	AM		
ALX	7/8/2021 7:13:13	TL0708	
	AM		
ALX	7/5/2021 5:28:50	TL0705	
	PM		
ALX	7/2/2021 7:19:59	TL0702	
	PM		
ALX	6/29/2021 10:02:38	AM	59
	AM		
ALX	6/28/2021 10:34:32	AM	TL0628
	AM		
ALX	6/25/2021 7:08:55	TL0625	
	AM		
ALX	6/22/2021 2:09:50	TL0622	
	PM		
ALX	6/15/2021 9:01:44	TL0613	
	AM		
ALX	6/12/2021 7:14:34	TL0612	
	AM		
ALX	6/9/2021 6:53:42	TL0609	
	PM		
ALX	6/9/2021 12:52:17	TL0609	
	PM		
ALX	6/6/2021 5:16:40	TL0606	
	PM		
ALX	6/5/2021 7:27:48	TL0605	
	AM		
ALX	6/3/2021 1:03:41	WIPP0521	
	PM		
ALX	6/3/2021 6:38:44	TL0603	
	AM		
ALX	6/1/2021 8:50:16	TL0601	
	AM		
ALX	6/1/2021 6:43:26	TL0601	
	AM		
ALX	5/30/2021 6:26:38	TL0530	
	PM		
ALX	5/28/2021 5:42:46	TL0528	
	PM		
ALX	5/26/2021 8:25:26	TL0526	
	PM		
ALX	5/25/2021 9:23:58	TL0522	
	AM		
ALX	5/24/2021 7:32:39	TL0524	
	AM		
ALX	5/23/2021 2:07:02	33321143	
	PM		
ALX		33321143	
			(\$10.00)
			-----

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	5/23/2021 2:07:02 PM		Pre-Release Transaction		
ALX	5/22/2021 11:55:23 AM TL0522		TRUL Withdrawal	(\$2.00)	\$519.71
ALX	5/20/2021 6:27:41 TL0520 AM		TRUL Withdrawal	(\$2.00)	\$521.71
ALX	5/18/2021 8:46:52 AM TL0517		Sales	(\$78.55)	\$523.71
ALX	5/17/2021 7:57:54 TL0517 PM		TRUL Withdrawal	(\$2.00)	\$602.26
ALX	5/15/2021 9:35:39 TL0515 AM		TRUL Withdrawal	(\$2.00)	\$604.26
ALX	5/12/2021 8:25:25 TL0512 AM		TRUL Withdrawal	(\$2.00)	\$606.26
ALX	5/11/2021 7:52:45 AM TL0510		Sales	(\$86.90)	\$608.26
ALX	5/9/2021 10:07:40 33321129 PM		Western Union	\$50.00	\$695.16
ALX	5/9/2021 10:07:40 33321129 PM		Pre-Release Transaction	(\$10.00)	-----
ALX	5/9/2021 6:45:00 TL0509 PM		TRUL Withdrawal	(\$2.00)	\$645.16
ALX	5/8/2021 6:35:07 TL0508 PM		TRUL Withdrawal	(\$2.00)	\$647.16
ALX	5/7/2021 8:25:16 WIPP0421 AM		Payroll - IPP	\$20.40	\$649.16
ALX	5/6/2021 7:29:15 TL0506 AM		TRUL Withdrawal	(\$2.00)	\$628.76
ALX	5/4/2021 8:55:19 17 AM		Sales	(\$93.25)	\$630.76
ALX	5/3/2021 7:37:56 TL0503 AM		TRUL Withdrawal	(\$2.00)	\$724.01
ALX	5/3/2021 5:49:48 4768 AM		BP 199 Request - Released	\$500.00	-----
ALX	5/3/2021 5:49:48 4768	4290	Gift	(\$500.00)	\$726.01
ALX	5/3/2021 5:49:40 4767 AM		BP 199 Request - Released	\$30.00	-----

123456

Total Transactions: 256

Totals: (\$149.80) \$37.99

Current Balances									
Alpha Code	Available Balance	Pre-Release Balance	Debt Encumbrance	SPO Encumbrance	Other Encumbrance	Outstanding Instruments	Administrative Holds	Account Balance	
ALX	\$10.15	\$0.01	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10.16	
Totals:	\$10.15	\$0.01	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10.16	

Other Balances							
National 6 Months Deposits	National 6 Months Withdrawals	National 6 Months Avg Daily Balance	Local Max Balance - Prev 30 Days	Average Balance - Prev 30 Days	Commissary Restriction Start Date	Commissary Restriction End Date	
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			

**Inmate Statement**

Inmate Reg #:	78351053	Current Institution:	Allenwood FCI
Inmate Name:	MAYES, ANTOINE	Housing Unit:	ALP-C-A
Report Date:	09/16/2021	Living Quarters:	C02-2281
Report Time:	8:10:35 AM		
Alpha Code	Date/Time	Reference#	Payment#
ALX	5/3/2021 5:49:40 AM	4767	4289
ALX	4/29/2021 9:13:47 TL0429 AM		
ALX	4/27/2021 7:59:47 14 AM		
ALX	4/27/2021 7:57:39 13 AM		
ALX	4/27/2021 7:06:23 4768 AM		
ALX	4/27/2021 7:05:40 4767 AM		
ALX	4/27/2021 7:03:07 TL0427 AM		
ALX	4/23/2021 8:58:47 TL0423 AM		
ALX	4/22/2021 5:23:31 70132201 AM		
ALX	4/22/2021 5:23:31 70132201 AM		
ALX	4/20/2021 10:33:43 AM TL0420		
ALX	4/20/2021 7:39:29 6 AM		
ALX	4/14/2021 7:58:14 TL0414 PM		
ALX	4/9/2021 12:10:28 TL0409 PM		
ALX	4/9/2021 8:10:12 WCMS0321 AM		
ALX	4/9/2021 8:10:09 WIPP0321 AM		
ALX	4/6/2021 10:17:45 32 AM		
ALX	4/6/2021 7:08:41 TL042021 AM		
ALX	4/5/2021 1:08:12 33321095 PM		
ALX	4/5/2021 1:08:12 33321095 PM		
ALX	4/4/2021 7:35:25 TL0404 AM		
ALX	4/3/2021 10:30:47 TL0403 AM		
ALX	4/1/2021 8:18:45 TL0401 AM		
ALX	3/31/2021 7:25:04 TL0331 AM		
ALX	3/30/2021 10:01:15 AM 58		
ALX	3/28/2021 6:06:19 TL0328 PM		
ALX	3/27/2021 12:07:05 PM 33321086		
ALX	3/27/2021 12:07:05 PM 33321086		
ALX	3/26/2021 1:19:42 TL0326 PM		
ALX	3/24/2021 12:50:11 PM TL0324		
ALX	3/22/2021 5:27:42 3314 AM		
ALX	3314 3261	BP 199 Request - Released Gift	\$500.00
			\$68.11

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	3/22/2021 5:27:42 AM			
ALX	3/21/2021 7:23:20 TL0321 AM	TRUL Withdrawal	(\$5.00)	\$568.11
ALX	3/19/2021 7:11:12 TL0319 PM	TRUL Withdrawal	(\$2.00)	\$573.11
ALX	3/17/2021 6:57:25 TL0317 AM	TRUL Withdrawal	(\$2.00)	\$575.11
ALX	3/16/2021 9:41:55 62 AM	Sales	(\$38.00)	\$577.11
ALX	3/16/2021 7:05:32 33 14 AM	BP 199 Request	(\$500.00)	-----
ALX	3/16/2021 7:04:31 TL032021 AM	Pre-Release Transaction	\$120.00	-----
ALX	3/15/2021 9:28:23 TL0315 AM	TRUL Withdrawal	(\$2.00)	\$615.11
ALX	3/12/2021 7:36:34 TL0312 PM	TRUL Withdrawal	(\$2.00)	\$617.11
ALX	3/11/2021 5:07:20 70129201 AM	Lockbox - CD	\$600.00	\$619.11
ALX	3/11/2021 5:07:20 70129201 AM	Pre-Release Transaction	(\$120.00)	-----
ALX	3/10/2021 3:32:22 TL0310 PM	TRUL Withdrawal	(\$2.00)	\$19.11
ALX	3/9/2021 8:21:13 2 AM	Sales	(\$23.25)	\$21.11
ALX	3/8/2021 7:59:22 TL0308 PM	TRUL Withdrawal	(\$2.00)	\$44.36
ALX	3/8/2021 2:57:24 TL032021 PM	Pre-Release Transaction	\$20.00	-----
ALX	3/7/2021 6:44:55 TL0307 AM	TRUL Withdrawal	(\$2.00)	\$46.36
ALX	3/5/2021 9:11:10 TL0305 AM	TRUL Withdrawal	(\$2.00)	\$48.36
ALX	3/5/2021 9:01:33 WIPP0221 AM	Payroll - IPP	\$23.80	\$50.36
ALX	3/3/2021 2:34:01 TL0303 PM	TRUL Withdrawal	(\$2.00)	\$26.56

123456

Total Transactions: 256

Totals: (\$149.80) \$37.99

Alpha Code	Current Balances								
	Available Balance	Pre-Release Balance	Debt Encumbrance	SPO Encumbrance	Other Encumbrance	Outstanding Instruments	Administrative Holds	Account Balance	
ALX	\$10.15	\$0.01	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10.16
Totals:	\$10.15	\$0.01	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10.16

Other Balances								
National 6 Months Deposits	National 6 Months Withdrawals	National 6 Months Avg Daily Balance	Local Max Balance - Prev 30 Days	Average Balance - Prev 30 Days	Commissary Restriction Start Date	Commissary Restriction End Date		
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00				

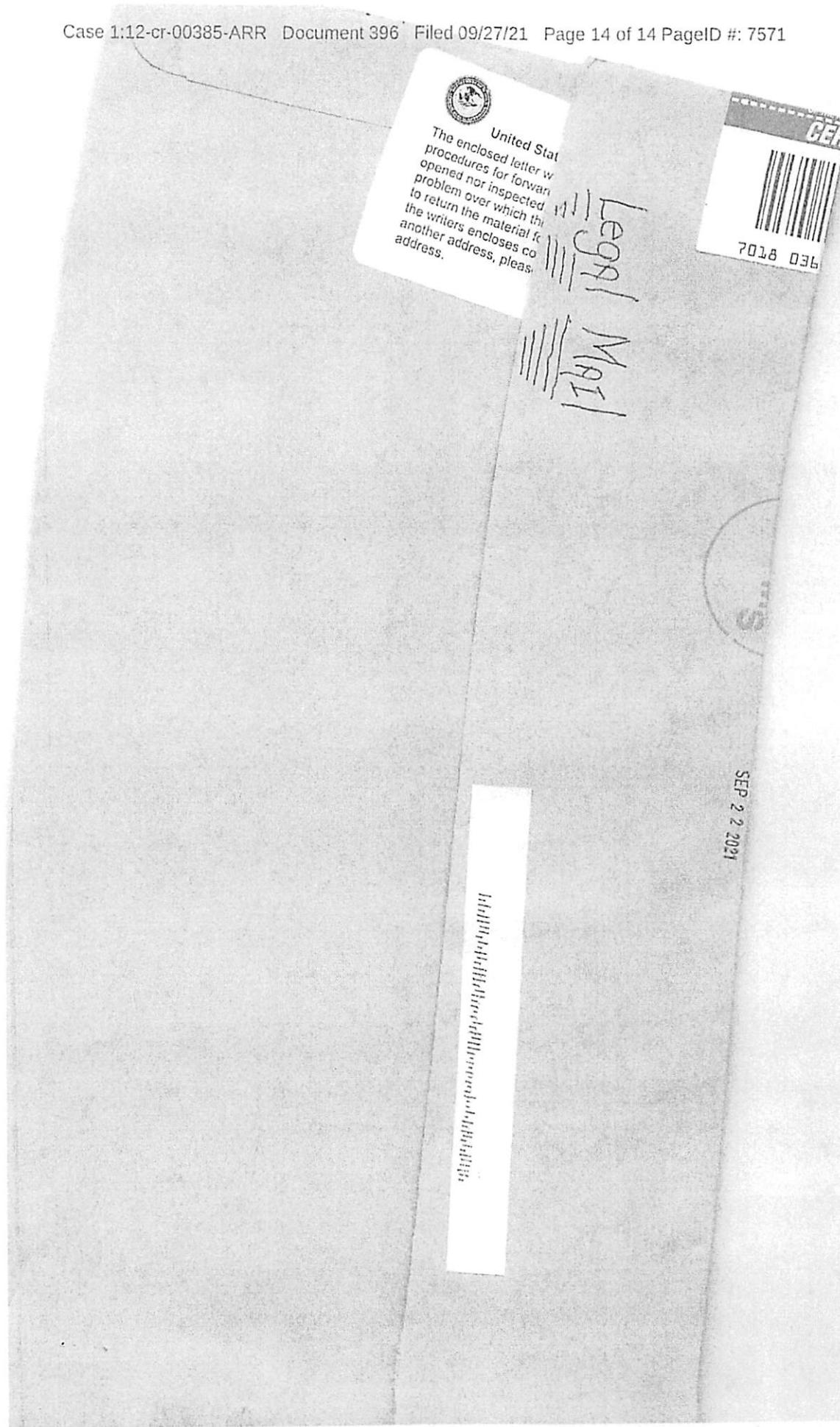


Eastern District of New York  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn NY 11201

Mailed From US Penitentiary



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09/10/2021

## UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

## CAPTION:

MAYES, Antoine

Petitioner

v.

USARespondent

I, Antoine Mayes, hereby certify under penalty of perjury that  
 on 9/21/21, I served a copy of Affidavit Accompanying  
 Motion for Permission to Appear In forma pauperis  
 (list all documents)

by (select all applicable)\*\*

 Personal Delivery United States Mail Federal Express or other  
Overnight Courier Commercial Carrier E-Mail (on consent)

on the following parties:

<u>AUSA David C James</u>	<u>271 CADMAN Plaza East Brooklyn NY 11201</u>
Name	Address

City State Zip Code

Name	Address
------	---------

City State Zip Code

Name	Address
------	---------

City State Zip Code

Name	Address
------	---------

City State Zip Code

\*A party must serve a copy of each paper on the other parties, or their counsel, to the appeal or proceeding. The Court will reject papers for filing if a certificate of service is not simultaneously filed.

\*\*If different methods of service have been used on different parties, please complete a separate certificate of service for each party.

9/21/21

Today's Date

Antoine MAYES

Signature